

Losing Our Freedoms Inch by Inch

Some people in this country tend to forget that we need to be vigilant against the erosion of our personal freedoms. For them, the fact that we live in the United States means we do not have to worry about such matters.

Yet, the history of the United States is not without its share of abuses and tyrannies. Although some people may have forgotten the McCarthy era, it is instructive to remember that McCarthyism started with a genuine fear of Communist infiltration of our government. The lesson we learned from that era is that when you begin intruding on individual freedoms, even if your intentions are noble at the outset, the consequences can be far-reaching and destructive.

The Clinton Administration recently proposed new regulations governing the sale and advertising of tobacco products. Without carefully examining the proposal, many people initially supported this action.

But, when you look at the issue more closely, you realize that the President's proposal is extremely dangerous. The President wants to give the Food and Drug Administration jurisdiction to regulate tobacco. The fact that the Federal Food, Drug, and Cosmetic Act clearly does not include tobacco hasn't stopped the Administration. The Administration has brushed aside decades of legal history by offering a novel and unsupported interpretation of the law.

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Having claimed that giving the FDA jurisdiction over tobacco is now within the law, the Administration has not told the public what the law requires. In fact, the Federal Food, Drug, and Cosmetic Act requires the FDA to determine that the products it regulates are "safe and effective," something FDA Commissioner David Kessler has admitted could never be the case with cigarettes.

Where does all this legal maneuvering leave us? Well, the President and Commissioner Kessler are hoping you do not figure it out, because the logical result of their proposal is a total prohibition on tobacco products.

How do they justify this dramatic and illegal intrusion into personal freedoms in this country? Commissioner Kessler explains it by saying that it is justified by the enormous health consequences and costs of smoking.

Stop for a moment to think where this logic will lead us. If health costs alone are enough to justify a tortured reading of the law and the imposition of paternalistic government regulation, it won't be long before many other products are banned. Why not address the problems associated with the consumption of high fat foods through government regulation as well? Recent studies indicate that more American children than ever are growing up overweight. Don't these children need to be protected just as much as children

who smoke? There is no logical difference between banning cigarette advertising that might be seen by children (which the FDA proposes to do) and banning candy and sugary cereal advertisements that explicitly target children.

In fact, the FDA's logic would justify regulation far beyond cigarettes and unhealthy foods. What about cars? Why not prohibit automobile advertisements that focus on high speed performance? After all, sports cars that cruise comfortably at over 100 M.P.H. are simply invitations to drive recklessly. And what about high-risk sports? Wouldn't medical costs be reduced if we banned snow skiing, hang-gliding, and boxing?

Government intervention into the lives and personal choices of Americans should be rejected even if that intervention is justified by a legitimate concern for health and safety. While it may seem acceptable to some that the government take action against tobacco, no one believes that the government has any place restricting fatty foods. Yet, there is no basis on which government can rationally draw the line between the two. So a line must be drawn in the sand with respect to the President's plan. In a democratic society, we have no choice but to leave these decisions to the individual.

Let us not start down the road toward a new
extremism. The tobacco control program proposed by the
FDA will not produce its intended results. It will not
decrease tobacco use among our youth. The regulations
will, however, erode our personal freedoms.